

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3025 OF 2005

Shri Vinayak Bhalchandra Joshi & Ors. .. Petitioners.

V/s.

The Dy. Director of Land Records
Nashik Region, Nasik and others. .. Respondents.

Mr. P.N.Joshi for the Petitioner.

Mr. A.H.Palekar, AGP for the Respondent Nos. 1 to 3.

Mr. Prafulla B. Shah for the Respondent No.4.

CORAM : R.M. SAVANT, J.

DATED : 04th JUNE, 2007.

P.C.:

. This petition, filed under Article 226 of the Constitution of India, takes exception to the order dated 25.11.2003 passed in the Revision Application filed by the petitioners. By the said order City Survey No. 642 of the village Wadali Bhoi, Tal. Chandwad, Dist. Nashik is declared to be a temple, being a public property belonging to the village Wadilbhoi.

2. The petitioners herein claim that they are the owner of the suit property in question. In fact, they were the Pujaris in the temple in question which is on the disputed property. The petitioners based their

right of ownership on the basis of the alleged 'Sanad' issued in respect of the said property in the name of their father in the year 1972. The initial entry in the revenue record was in favour of the petitioners which, according to the petitioners was effected by following the due procedure. The said entry came to be challenged by the respondent No.4 herein by filing an Appeal in the year 1992. The said appeal came to be allowed by order dated 17.8.1993. The appellate authority while allowing the said appeal recorded a finding that inspite of the opportunity given to the petitioners to produce the documents in support of their ownership, the same were not produced nor any submissions were advanced on behalf of the petitioners. The said order was challenged by the petitioners by filing a second appeal before the District Inspector of Land Records. The said second appeal came to be dismissed by order dated 17.8.1998. The said order reaffirms the order passed by the appellate authority. The petitioners thereafter filed a revision before the State Government which also came to be dismissed by the order of the State Government, which order is impugned in the present petition.

3. Three authorities below, who have considered the matter elaborately have recorded the findings against the petitioners and rejected the plea of the petitioners

made on basis of the entry in the revenue record. The authorities below have observed adversely against the petitioners and have even recorded a finding that the petitioners are trying to grab the public property of the village.

4. The petitioners claim as indicated above is based solely on the Sanad, allegedly granted in the year 1972. The learned AGP contends that no Sanad could have been issued in the year 1972 in view of the Watan Abolition Act. I do not find any merit to interfere with the findings recorded by the authorities below in the writ jurisdiction under Article 227 of the Constitution of India. The petition is therefore, dismissed.

(R.M.SAVANT, J.)

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